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(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. _____

To provide for the establishment of a program to support the development, demonstration, and commercialization of innovative technologies to prevent, stop, or capture large-scale accidental discharges of oil or other hydrocarbons from offshore oil and gas drilling operations, including deepwater and ultra-deepwater operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MARKEY of Massachusetts introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the establishment of a program to support the development, demonstration, and commercialization of innovative technologies to prevent, stop, or capture large-scale accidental discharges of oil or other hydrocarbons from offshore oil and gas drilling operations, including deepwater and ultra-deepwater operations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Oil Spills Act”
3 or the “SOS Act”.

4 **SEC. 2. OFFSHORE DRILLING SAFETY TECHNOLOGY DEVELOP-**
5 **OPMENT.**

6 (a) Subtitle J of title IX of the Energy Policy Act
7 of 2005 (42 U.S.C. 16371–16378) is amended to read as
8 follows:

9 **“Subtitle J—Offshore Drilling**
10 **Safety Technology Development**
11 **“SEC. 999. INNOVATIVE OFFSHORE DRILLING SAFETY**
12 **TECHNOLOGY PROGRAM.**

13 “(a) DEFINITIONS.—For purposes of this section:

14 “(1) ADVISORY COMMITTEE.—The term ‘Advi-
15 sory Committee’ means the SOS Fund Technical
16 Advisory Committee established under subsection
17 (f).

18 “(2) AWARD.—The term ‘award’ means a
19 grant, contract, or cooperative agreement.

20 “(3) BLOWOUT PREVENTER.—The term ‘blow-
21 out preventer’ means a device installed on an off-
22 shore well that uses one or more valves, rams, or
23 preventers to control or stop any otherwise uncon-
24 trolled flow of hydrocarbons or drilling fluids from
25 the well.

1 “(4) DEEPWATER.—The term ‘deepwater’
2 means a water depth that is greater than 200 but
3 less than 1,500 meters.

4 “(5) FUND.—The term ‘Fund’ means the Safe-
5 ty and Offshore Spills (SOS) Fund established
6 under subsection (g).

7 “(6) REMOTELY OPERATED VEHICLE.—The
8 term ‘remotely operated vehicle’ means a remotely
9 controlled unmanned submersible vehicle, used to in-
10 spect, control, or perform operations on a blowout
11 preventer or other subsea drilling equipment.

12 “(7) SECONDARY CONTROL SYSTEM.—The term
13 ‘secondary control system’ means a system, such as
14 a deadman, autoshear, or acoustic switch, designed
15 to activate blowout preventer components to shut in
16 an offshore well in the event of an emergency event
17 such as a loss of communication with or power to
18 the blowout preventer.

19 “(8) ULTRA-DEEPWATER.—The term ‘ultra-
20 deepwater’ means a water depth that is equal to or
21 greater than 1,500 meters.

22 “(b) PROGRAM ESTABLISHMENT.—Not later than
23 180 days after the date of enactment of this section, the
24 Secretary, in consultation with the Secretary of Interior,
25 shall establish a program, in accordance with the require-

1 ments of this section, to provide awards to support the
2 development, demonstration, and commercialization of in-
3 novative technologies to prevent, stop, or capture large-
4 scale accidental discharges of oil or other hydrocarbons
5 from offshore oil and gas drilling operations, including
6 deepwater and ultra-deepwater operations.

7 “(c) FOCUS AREAS FOR AWARDS.—Awards provided
8 under this section shall focus on new technologies or inno-
9 vative improvements to existing technologies, including—

10 “(1) blowout preventers;

11 “(2) secondary control systems;

12 “(3) remotely operated vehicles; and

13 “(4) prefabricated systems or technologies to
14 stop or capture a large-scale hydrocarbon discharge
15 from an offshore well, at or near the source of such
16 discharge, in the event of the failure of a blowout
17 preventer.

18 “(d) PROJECT SELECTION.—The Secretary shall
19 issue solicitations for applications for awards under this
20 section and shall select projects for awards, on a competi-
21 tive basis, based on—

22 “(1) potential for commercialization of the rel-
23 evant technology;

24 “(2) potential to enhance industry’s capacity to
25 prevent, stop, or contain a large-scale accidental dis-

1 charge of oil or other hydrocarbons from offshore
2 drilling operations; and

3 “(3) such other factors as the Secretary may
4 prescribe.

5 “(e) ANNUAL PLAN.—

6 “(1) IN GENERAL.—The program under this
7 section shall be carried out pursuant to annual plans
8 prepared by the Secretary in accordance with the re-
9 quirements of this subsection, which shall describe
10 the ongoing and prospective activities of the pro-
11 gram under this section.

12 “(2) OUTSIDE BODIES.—In formulating each
13 annual plan under this subsection, the Secretary
14 shall—

15 “(A) solicit and take into consideration
16 recommendations from the Advisory Committee;
17 and

18 “(B) take into consideration the needs
19 identified and recommendations set forth by
20 any independent commission established by the
21 President to investigate the Deepwater Horizon
22 oil spill and by the Interagency Coordinating
23 Committee on Oil Pollution Research estab-
24 lished pursuant to section 7001 of the Oil Pol-
25 lution Act of 1990 (33 U.S.C. 2761).

1 “(3) PUBLICATION.—Not later than November
2 30 of 2010 and each calendar year thereafter
3 through 2016, the Secretary shall transmit to Con-
4 gress and publish on the Internet the annual plan
5 for the succeeding year, together with the rec-
6 ommendations provided by the Advisory Committee
7 with regard to such plan.

8 “(f) TECHNICAL ADVISORY COMMITTEE.—

9 “(1) ESTABLISHMENT.—Not later than 60 days
10 after the date of enactment of this section, the Sec-
11 retary shall establish an independent advisory com-
12 mittee to be known as the SOS Fund Technical Ad-
13 visory Committee.

14 “(2) MEMBERSHIP.—The Advisory Committee
15 shall consist of at least 9 members. Each member
16 shall have extensive research or operational knowl-
17 edge of safety technologies associated with offshore
18 oil and gas exploration and production. The Sec-
19 retary shall appoint Advisory Committee members,
20 including a chair and vice-chair of the Advisory
21 Committee. Terms shall be 3 years in length, except
22 for initial terms, which may be up to 5 years in
23 length to allow staggering. Members may be re-
24 appointed only once for an additional 3-year term.

1 “(3) DUTIES.—The Advisory Committee shall
2 advise the Secretary on the development and imple-
3 mentation of programs under this section, including
4 by reviewing and providing recommendations with
5 regard to each annual plan under subsection (e).

6 “(4) COMPENSATION.—A member of the Advi-
7 sory Committee shall serve without compensation
8 but shall receive travel expenses in accordance with
9 applicable provisions under subchapter I of chapter
10 57 of title 5, United States Code.

11 “(g) FUNDING.—

12 “(1) FUND.—There is hereby established in the
13 Treasury of the United States a separate fund to be
14 known as the Safety and Offshore Spill (SOS)
15 Fund.

16 “(2) OIL AND GAS LEASE INCOME.—For each
17 of fiscal years 2011 through 2017, from any Federal
18 royalties, rents, and bonuses derived from Federal
19 onshore and offshore oil and gas leases issued under
20 the Outer Continental Shelf Lands Act (43 U.S.C.
21 1331 et seq.) which are deposited in the Treasury,
22 and after distribution of any such funds as described
23 in paragraph (3), \$50,000,000 shall be deposited
24 into the Fund.

1 “(3) PRIOR DISTRIBUTIONS.—The distributions
2 described in paragraph (2) are those required by
3 law—

4 “(A) to States and to the Reclamation
5 Fund under the Mineral Leasing Act (30
6 U.S.C. 191(a)); and

7 “(B) to other funds receiving monies from
8 Federal oil and gas leasing programs, includ-
9 ing—

10 “(i) any recipients pursuant to section
11 8(g) of the Outer Continental Shelf Lands
12 Act (43 U.S.C. 1337(g));

13 “(ii) the Land and Water Conserva-
14 tion Fund, pursuant to section 2(c) of the
15 Land and Water Conservation Fund Act of
16 1965 (16 U.S.C. 4601-5(c));

17 “(iii) the Historic Preservation Fund,
18 pursuant to section 108 of the National
19 Historic Preservation Act (16 U.S.C.
20 470h); and

21 “(iv) the coastal impact assistance
22 program established under section 31 of
23 the Outer Continental Shelf Lands Act (43
24 U.S.C. 1356a).

1 “(4) OBLIGATION AUTHORITY.—Monies in the
2 Fund shall be available to the Secretary for obliga-
3 tion, or to cover the Secretary’s costs of admin-
4 istering the program in accordance with the limita-
5 tion in paragraph (5), under this section without fis-
6 cal year limitation, to remain available until ex-
7 pended.

8 “(5) ADMINISTRATIVE COSTS.—For each of fis-
9 cal years 2011 through 2017, the Secretary may use
10 not more than 5 percent of the monies deposited in
11 the Fund to cover the Secretary’s costs of admin-
12 istering the program under this section.”.

13 (b) CONFORMING AMENDMENT.—The items relating
14 to subtitle J of title IX in the table of contents of the
15 Energy Policy Act of 2005 are amended to read as follows:

 “Subtitle J—Offshore Drilling Safety Technology Development

 “Sec. 999. Innovative offshore drilling safety technology program.”.